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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

8 Kimberly A. O'Connor,

9 Plaintiff,

10 v.

11 Scottsdale Healthcare Corp; et al.,

12 Defendants.  
13  
14

No. CV11-2264-PHX-JAT

**ORDER**

15 Currently pending before the Court is Plaintiff's Ex-Parte Motion for an Order  
16 Sealing Documents Attached to but not part of Complaint and Mistakenly Filed. (Doc.  
17 26). The Court now rules on the Motion.

18 Historically, the public has a right to inspect judicial documents and records.  
19 *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978). However, such a right is not  
20 absolute. Nevertheless, there is a strong presumption in favor of access to judicial  
21 records. A party seeking to seal a judicial record bears the burden of overcoming this  
22 presumption by either meeting the "compelling reasons" standard if the filing is a  
23 dispositive pleading, or the "good cause" standard if the filing is a non-dispositive  
24 pleading. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006).

25 Plaintiff asks the Court to seal two documents that were inadvertently filed with  
26 the complaint in this action on November 17, 2011 (the "Complaint"). Plaintiff describes  
27 these inadvertently filed documents as two pages of correspondence between Plaintiff  
28 and a state agency regarding highly confidential financial information and Plaintiff's

1 Social Security number. (Doc. 26 at 3).


2 The Court denies Plaintiff's ex-parte motion because Plaintiff has failed to clearly  
3 identify what documents she wants sealed and because no such documents as Plaintiff  
4 has described exist in the Court's record of the Complaint. The Complaint (Doc. 1) is  
5 forty-four pages long. It contains thirty-eight pages of claims against Defendants, two  
6 attachments, and a civil cover sheet. The two attachments are Attachments A and B.  
7 Both attachments are referenced in the body of the Complaint and are clearly not  
8 inadvertently filed documents. Attachment A is referenced on page ten of the Complaint  
9 and is a "Service Animal Information" packet. (*Id.* at 39-42). The attachment consists of  
10 four pages, each individually numbered "Page 1 of 4" and so forth. Attachment B is  
11 referenced on page nineteen of the Complaint and is the death certificate of Plaintiff's  
12 mother, Marihelen S. O'Connor. (*Id.* at 43). The last page of the Complaint is the Civil  
13 Cover Sheet required by the Court to be filed with the Complaint. (Doc. 1-1 at 1). The  
14 Court finds the Complaint contains no documents that are correspondence between a state  
15 agency and Plaintiff, nor does it contain documents exposing Plaintiff's Social Security  
16 number. Accordingly, Plaintiff has failed to meet her burden under *Kamakana* and show  
17 that the judicial record in this case should be sealed.

18 Based on the foregoing,

19 **IT IS ORDERED** that Plaintiff's Ex-Parte Motion to Seal Documents Attached to  
20 the Complaint (Doc. 26) is denied.

21 Dated this 21st day of March, 2013.

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James A. Teiborg  
Senior United States District Judge